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ABSTRACT

The over-representation of minorities, especially African Americans, in U.S. prisons has received much attention in recent years, but the disproportionate representation of minorities is not limited to adult prisons. It is also found among youth confined in secure juvenile facilities. Because of inconsistencies in the collection and reporting of information about Latino youth, they are often counted as "white," resulting in the under-reporting of confined minority group members. Data from a number of sources indicates that minority over-representation is generally a product of actions that occur at earlier points in the juvenile justice system. In 1998, African American youth were over-represented as a proportion of arrests in 26 of 29 offense categories documented by the Federal Bureau of Investigation. White youth represented 66% of the juvenile court referral population, but they were only 53% of the detained population. African Americans made up 31% of the referred population, and 44% of the detained population. Minority youth were also over-represented in formal processing, waiver to adult court, and dispositions of out-of-home placement. It is expected that the cumulative disadvantage of minority youth will continue to spiral as states continue to pass more punitive laws allowing youth to be charged as adults. (SLD)

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And Justice for Some
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April 2000

National Council on Crime and Delinquency

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MAJOR FINDINGS

The overrepresentation of minorities, particularly African Americans, in the nation's prisons has received much attention in recent years. However, the disproportionate representation of racial/ethnic groups is not limited to adult prisons and jails. It is also found among youth confined in secure juvenile facilities.

Unfortunately, research in this area specific to Latino youth is scant. Inconsistencies in the collection and presentation of information on Latino populations in the justice system continue to be a problem. Since many data systems fail to disaggregate ethnicity from race, Latino youth are often counted as "White." As a result, data on the extent to which minority populations are overrepresented in the juvenile juctice system are generally underreported in much of the analysis of this issue.

While public attention has tended to focus on the disproportionate number of minorities in confinement, minority overrepresentation is often a product of actions that occur at earlier points in the juvenile justice system, such as the decision to make the initial arrest, the decision to hold a youth in detention pending investigation, the decision to refer a case to juvenile court, the prosecutor's decision to petition a case, and the judicial decision and subsequent sanction.

Some have argued that this overrepresentation of minority youth in the justice system simply is a result of minority youth committing more crimes than White youth. However, a fair analysis is much more complicated. Thus, it is not clear whether this overrepresentation is the result of differential police policies and practices (e.g., targeting patrols in certain low-income neighborhoods, policies requiring immediate release to biological parents, group arrest procedures); location of offenses (minority youth using or selling drugs on street corners, White youth using or selling drugs in homes); different behavior by minority youth (e.g., whether minority youth commit more crimes than White youth); differential reactions of victims to offenses committed by White and minority youth (e.g., whether White victims of crimes disproportionately perceive the offenders to be minority youth); or racial bias within the justice system. In addition, in a meta-analysis of studies on race and the juvenile justice system, researchers have found that about two-thirds of the studies of disproportionate minority confinement showed negative "race effects" at one stage or another of the juvenile justice process.[1]

It is clear that minority youth are more likely than others to come into contact with the juvenile justice system. Research suggests that this disparity is most pronounced at the beginning stages of involvement with the juvenile justice system. When racial/ethnic differences are found, they tend to accumulate as youth are processed through the system. The first report released by *Building Blocks for Youth*, entitled "The Color of Justice," documents the significant racial differences that exist in the way minority youth are processed through the justice system in California. That report showed that minority youth are disproportionately transferred to adult court and sentenced to incarceration compared to White youths charged with similar offenses. Information contained in this report documents the cumulative disadvantage of minority youth across the nation.

Arrest

- In 1998, the majority of arrests of juveniles involved White youth.

- In1998, African American youth were overrepresented as a proportion of arrests in 26 of 29 offense categories documented by the FBI.

Referral to Juvenile Court

- In 1997, the majority of cases referred to juvenile court involved White youth. Minority youth were overrepresented in the referral cohort.

Detention

- While White youth comprised 66% of the juvenile court referral population they comprised 53% of the detained population. In contrast, African American youths made up 31% of the referral population and 44% of the detained population. Youth of other races represented about the same proportion of the referred and detained groups.

- In every offense category—person, property, drug, public order—a substantially greater percentage of African American youth were detained than White youth.

Formal Processing

- African American youth are more likely than White youth to be formally charged in juvenile court, even when referred for the same type of offense.

- Although just over half of drug cases involving White youth and youth of other races result in formal processing, three-quarters of drug cases involving African American youth result in formal processing.

Waiver to Adult Court

- An estimated 8,400 petitioned delinquency cases were waived from juvenile to adult court in 1997.

- Minority youth were much more likely to be waived to adult criminal court than White youth. This was true in all offense categories.

- For offenses against persons, White youth were 57% of cases petitioned but only 45% of cases waived to adult court. African American youth charged with similar offenses were 40% of cases petitioned but rose to 50% of cases waived to adult court. Similarly, in drug cases, White youth were 59% of cases petitioned but only 35% of cases waived to adult court. African American youth charged with drug offenses were 39% of cases petitioned but rose to 63% of the cases waived to adult court. Thus, among drug offense cases referred to juvenile court, White youth enjoy a 24% "waiver advantage," while African American youth carry a 24% "waiver disadvantage."

Disposition

- African American youth were overrepresented among cases receiving a disposition of out-of-home placement (e.g., commitment to a locked institution). This was true in all offense categories and was most pronounced among drug offense cases.

- In every offense category, minority youth were more likely than White youth to be placed out-of-home.

- Conversely, among all offense categories, White youth were more likely than minority youth to be placed on probation.

Incarceration in Juvenile Facilities

- Although minority youth are one-third of the adolescent population in the United States, minority youth are two-thirds of the over

100,000 youth confined in local detention and state correctional systems.

- Minority youth are overrepresented in residential placement facilities for all offense categories. In fact, minority youth were at least one-half of all youth in residential placement among each of the non-status offense categories.

- Minorities comprise the majority of youth held in both public and private facilities. Minority youth, especially Latino youth, are a much larger proportion of youth in public than private facilities.

- Minority youth were confined behind locked doors twice as often as White youth. African American youth represent the largest racial/ethnic proportion of youth held behind locked doors.

- In 1993, when controlling for current offense and prior admissions, incarceration rates to state public facilities were higher for African American and Latino youth than White youth.

- When White youth and minority youth were charged with the same offenses, African American youth with no prior admissions were six times more likely to be incarcerated in public facilities than White youth with the same background. Latino youth were three times more likely than White youth to be incarcerated.

- Admission rates to public facilities were seven times greater among African American youth with one-to-two prior admissions than for White youth in 1993. Admission rates for Latino youth were twice the rate of White youth.

- In 1993, African American youth were confined on average for 61 days more than White youth, and Latino youth were confined 112 days more than White youth.

- While representing just 34% of the U.S. population in 1997, minority youth represented 62% of youth in detention, 67% of youth committed to public facilities, and 55% of youth committed to private facilities.

- Nationwide, minority youth were overrepresented in the detained population at 1.8 times their rate in the general population, among commitments to public facilities at 2.0 times their rate, and among private commitments at 1.6 times their rate in the population.

- Nationally, custody rates were five times greater for African American youth than for White youth. Custody rates for Latino and Native American youth were 2.5 times the custody rate of White youth.

Incarceration in Adult Prisons

- In 1997, 7,400 new admissions to adult prisons involved youth under the age of 18. Three out of four of these youths were minorities.

- Overrepresentation of minority youth and underrepresentation of White youth were reported by nearly every state reporting juvenile admissions to adult prisons in 1996.

- The proportion of juvenile prison admissions involving a drug offense was three times greater among African American youth than White youth in 1997.

Processing decisions in many states and local juvenile justice systems are not racially neutral. Minority youth are more likely than White youth to become involved in the system with their disproportionate involvement increasing at each stage of the process.

I. INTRODUCTION

There has been growing national concern about the overrepresentation of minority youth (traditionally defined as African American, Native American, Latino, and Asians) confined in secure facilities. Research has shown that minority youth, and in particular African Americans, are confined in public correctional facilities at rates disproportionate to their representation in the general population. Disproportionate minority confinement (DMC), as defined by the Juvenile Justice and Delinquency Prevention Act refers to a situation in which the minority proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups exceeds the proportion of such groups in the general population. While public attention may have focused on the disproportionate number of minorities in confinement, minority overrepresentation is often a product of actions that occur at earlier points in the juvenile justice system.

In order to put the representation of minority youth in context it is necessary to view the justice system as a process. Representation of minority youth can be examined as a series of critical decision points as youth progress through the system. Accordingly, amendments to the Juvenile Justice and Delinquency Prevention Act required states to assess the level of minority youth confinement in their juvenile justice systems by systematically identifying the extent of overrepresentation at each decision point in the process. This systematic approach views the overall process that creates overrepresentation rather than focusing only on the end result of confinement.

Depending on local practices and traditions, states and communities can differ in the way that they process juvenile law violators. However, a common set of critical decision points regarding arrest, intake, detention, adjudication, and disposition have become the cornerstone for researchers' examination of minority overrepresentation.

Studies finding evidence of disproportionate minority confinement typically ascribe its causes to either racial bias against minority youth within the juvenile justice system or more serious and/or more frequent offenses being committed by minority youth.[2] Determining whether either or both of these phenomenon are the reason for disparity requires analysis of detailed data providing information on specific offense classifications, criminal history, and other factors used in decision-making. Studies such as this suggest that processing decisions in many states and local juvenile justice systems are not racially neutral. Minority youth are more likely than White youth to become involved in the system with their overrepresentation increasing at each stage of the process.

Research also suggests that disparity is most pronounced at the beginning stages of involvement with the juvenile justice system or, more specifically, at the intake and detention decision points. When racial/ethnic differences are found, they tend to accumulate as youth are processed through the system. This "cumulative disadvantage" of minority youth within the juvenile justice system is reflected in a 1997 report on DMC[3] which found that overrepresentation increased from the point of arrest through other points in the system to the final point of secure (juvenile) corrections in 31 of 36 states studied. The first *Building Blocks for Youth* report, "The Color of Justice,"[4] found a similar "cumulative disadvantage" for youth in California who were waived to adult court and sentenced to prison.

As expected, much of the existing research on DMC has primarily focused on disparity in the processing of youth through the juvenile court and the disproportionate confinement of minority youth in facilities while under juvenile court jurisdiction. However, with lawmakers across the country

actively pursuing measures to "get tough" on serious and violent juvenile offending, increasing numbers of juveniles are being processed through adult criminal courts. Currently, all states and the District of Columbia allow adult criminal prosecution of juveniles under some circumstance. In addition, between 1992 and 1997, legislatures in 47 States and the District of Columbia enacted laws that either made it easier to transfer youth from the juvenile justice system to the criminal justice system, that gave criminal and juvenile courts expanded sentencing options, or modified or removed traditional juvenile court confidentiality provisions.[5]

As a result, the consequences of disproportionate numbers of minority youth flowing through the juvenile justice system is no longer just about juvenile court sanctions. It is now also about disproportionate numbers of minority youth subject to adult court processing and incarceration in adult jails and prisons. A 1998 report showed that African American youth were less than one-half (41%) of cases involving a juvenile charged with a felony and processed through the juvenile justice system but two-thirds (67%) of such cases transferred from juvenile court jurisdiction and handled in the criminal justice system.[6] Almost two-thirds of all juveniles transferred on a felony charge were convicted in adult court and about two-thirds of these convictions involved incarceration—49% in adult prison and 19% in adult jails. Indeed, a recent study by the Bureau of Justice Statistics of the U.S. Department of Justice reports that the number of people under age 18 who are sentenced to adult state prisons each year more than doubled between 1985 and 1997—from 3,400 to 7,400.[7]

Unfortunately, research in this area specific to Latino youth is scant. Inconsistencies in the collection and presentation of information on Latino populations in the justice system continue to be a problem. Since many data systems fail to disaggregate ethnicity from race, Latino youth are often counted as "White." As a result, data on the extent to which minority populations are overrepresented in the juvenile juctice system are generally underreported in much of the analysis of this issue.

II. METHODOLOGY

This report presents several sources of data and utilizes both original and previously published analysis. National estimates of juvenile arrest data derived from the FBI's Uniform Crime Report (UCR) Program were obtained from *Juvenile Arrests 1998*, one of a series of reports published by OJJDP.

Analysis of juvenile court data was performed utilizing national estimates developed by the OJJDP's National Juvenile Court Data Archive and distributed through the data presentation and analysis package, *Easy Access to Juvenile Court Statistics.* The juvenile corrections data from OJJDP's Census of Juveniles in Residential Placement was adapted from analysis presented in OJJDP's *Juvenile Offenders and Victims: 1999 National Report.* Additional information on juveniles in corrections was also obtained from the *Juveniles Taken into Custody Program.* Analysis presented on juveniles in adult custody was derived from research presented by the Bureau of Justice Statistics in the *Special Report* series of publications utilizing data collected by the National Corrections Reporting Program.

Generally, "disproportionate minority confinement" refers to differences between the minority proportion of youth in confinement and the minority proportion of youth in the general population. However, as described in *Juvenile Offenders and Victims: 1999 National Report*, the following key terms are often used when examining this issue and are key to understanding this occurrence:

- "Overrepresentation" exists when, at various stages of the juvenile justice system, the proportion of a certain population exceeds its proportion in the general population.
- "Disparity" refers to a situation in which different groups have different probabilities that certain outcomes will occur. Disparity may in turn lead to overrepresentation.
- "Discrimination" refers to differential decision-making among juvenile justice professionals affecting different groups of juveniles based on their gender, racial, and/or ethnic identity.

III. THE ARREST

Police are typically the first officials of the justice system that a youth encounters. Responses range from a simple warning, to arrest and detention, to transfer to adult court.

Decisions by law enforcement are pivotal in determining the profile of cases formally involved in the juvenile justice system. At arrest, a decision is made to either send the matter further into the justice system or to divert the matter, usually into alternative programs. In 1997, about two-thirds of all juvenile arrests were referred to juvenile court, one-quarter were handled within the department and released, less than one in 10 were referred to adult court, and the remainder were referred to another agency.

United States law enforcement agencies made an estimated 2.6 million arrests of persons under age 18 in 1998 (Table 1). Less than 5% of those arrests were for Violent Crime Index offenses, and less than one tenth of 1% were for murder.

The majority (71%) of those arrests involved White youth. Still, African American youth were overrepresented in most offense categories. Some have argued that this overrepresentation of minority youth in the justice system simply is a result of minority youth committing more crimes than White youth. However, a fair analysis is much more complicated. Thus, it is not clear whether this overrepresentation is the result of differential police policies and practices (e.g., targeting patrols in certain low-income neighborhoods, policies requiring immediate release to biological parents, group arrest procedures); location of offenses (minority youth using or selling drugs on street corners, White youth using or selling drugs in homes); different behavior by minority youth (e.g., whether minority youth commit more crimes than White youth); differential reactions of victims to offenses committed by White and minority youth (e.g., whether White victims of crimes disproportionately perceive the offenders to be minority youth); or racial bias within the justice system. In addition, in a meta-analysis of studies on race and the juvenile justice system, researchers have found that about two-thirds of the studies of disproportionate minority confinement showed negative "race effects" at one stage or another of the juvenile justice process.[5]

Table 1: Racial Proportions of Youth Under Age 18, 1998 79% 15% 1% 4%

Most serious offense charged	Estimated number of juvenile arrests	Percent of total arrests			
		White	African American	Native American	Asian
Total	2,603,300	**71%**	**26%**	**1%**	**2%**
Violent Crime Index	112,200	55	42	1	1
Murder	2,100	47	49	3	2
Rape	5,300	59	39	1	1
Robbery	32,500	43	54	1	2
Aggravated Assault	72,300	61	37	1	2
Property Crime Index	596,100	**70**	**27**	**1**	**2**
Burglary	116,000	73	24	1	2
Larceny-theft	417,100	70	26	1	2
Motor Vehicle Theft	54,100	61	36	1	2
Arson	9,000	80	18	1	1
Non-Index	1,895,000	**73**	**25**	**1**	**1**
Other assaults	237,700	64	33	1	1
Forgery and counterfeiting	7,100	77	21	1	2
Fraud	11,300	64	34	<1	2
Embezzlement	1,600	61	37	1	1
Stolen property, buying, Receiving, possessing	33,800	60	38	1	2
Vandalism	126,800	80	17	1	1
Weapons carrying, possessing, etc.	45,200	66	32	1	1
Prostitution	1,400	56	43	1	1
Sex offenses (except forcible rape and prostitution)	15,900	70	28	1	1
Drug abuse violations	205,800	66	32	1	1
Gambling	1,600	15	84	--	1
Offenses against the family and child.	10,200	79	19	1	2
Driving under the influence	21,000	91	6	2	1
Liquor laws	157,300	92	5	3	1
Drunkenness	24,600	89	7	3	1
Disorderly Conduct	183,700	67	32	1	1
Vagrancy	2,900	71	27	1	<1
All other offenses (except traffic)	453,000	73	25	1	2
Suspicion	1,300	79	20	1	1
Curfew and loitering law violations	187,800	71	27	1	1
Runaways	165,100	78	18	1	3

Note: Detail may not add to total due to rounding.

The data does not disaggregate Latino youth from race. In 1998, 91% of Latino youth were identified as White.

Source: Adapted from *Juvenile Arrests 1998*, Office of Juvenile Justice and Delinquency Prevention (1999) and *Crime in the United States, 1998*, Federal Bureau of Investigation (1999).

Population Data Source: *U.S. Population Estimates by Age, Sex, Race, and Hispanic Origin: 1980-1998*, U.S. Census Bureau, (1999).

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IV. JUVENILE COURT PROCESSING

Most delinquency cases are referred to juvenile court by law enforcement while others are made by parents, victims, schools, and probation officers. At court intake a decision—typically made by either juvenile probation or a prosecutor's office—is made to either dismiss the case, handle the matter informally, or request formal intervention by the juvenile court.

During the processing of a case, a youth may be held in a secure detention facility if this is determined to be in the best interest of the child or the community. While an initial decision to detain may be made by probation or detention workers, a detention hearing must follow—generally within 24 hours—to determine the need for continued detention.

If the case is handled in juvenile court, a petition is filed to either adjudicate the youth delinquent or judicially waive the youth to adult court. A delinquency petition results in an adjudicatory hearing in which a juvenile court judge determines the responsibility for the offense after witnesses are called and the facts of the case are presented. A waiver petition results in a judicial hearing involving a review of the facts of the case and a determination of probable cause that the young person committed the act. The court must then consider whether juvenile court jurisdiction should be waived and the case transferred to criminal court.

An adjudication of delinquency is followed by a disposition hearing. At this time a disposition plan is made by probation and recommendations may be presented to the judge who orders the disposition in the case. Dispositions include a variety of services and sanctions including probation, residential placement (publicly or privately operated), substance abuse treatment, or other sanctions such as weekend detention, community or victim restitution, counseling, etc. Transfer to adult court is followed by trial and sentencing in that court.

A growing number of states have adopted legislation to exclude certain serious crimes from the jurisdiction of juvenile court or to increase the discretion of prosecutors to directly file certain cases in juvenile or adult court. In such circumstances, the case will commence with charges brought in adult criminal court.

The following sections identify racial disparities as youth are processed through juvenile court. However, it should be noted that attempting to explain racial disparity as either systematic bias in decision-making or behavioral differences of minority youth without the detailed data needed to make such a decision would be inappropriate.

A. Referrals

In 1997, the majority of cases referred to juvenile court involved White youth. The proportion of referred cases involving African American youth was twice their proportion in the population. Of the estimated 1,755,100 delinquency cases referred to the nation's juvenile courts in 1997, 66% involved White youth, 31% involved African American youth, and 3% involved youth of other races (Table 2).

Table 2: Racial Proportions of the Juvenile Population and of Referrals to Juvenile Court

	Percent of	
	Population	**Referrals**
White	79%	66%
African American	15	31
Other	5	3
Total	100%	100%

Note: Details may not add to totals due to rounding.

Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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In every offense category, a substantially greater proportion of African American youth were detained than referred.

For each racial group in 1997, the largest proportion of cases referred to court involved property offenses, followed by person offenses, public order and drug offenses (Table 3).

Table 3: The Offense Profiles of Juvenile Court Referrals by Race, 1997

	White	African American	Other	All
Person	20%	27%	18%	22%
Property	51	41	57	48
Drug	10	11	7	10
Public Order	19	21	18	19
Total	100%	100%	100%	100%

Note: Details may not add to totals due to rounding.

Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

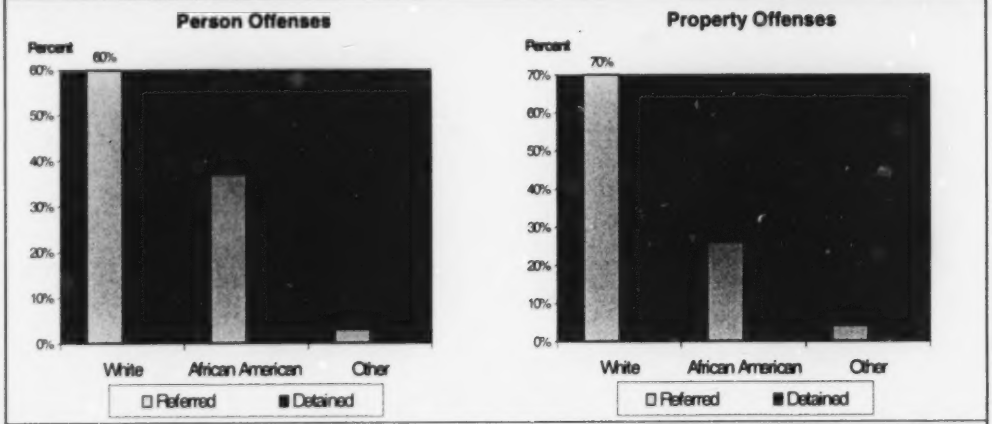
B. Detention

An estimated 326,800 delinquent youth were detained in 1997. With respect to their proportion in the referral population, White youth were underrepresented while African American youth were overrepresented in the detained population. Of White youth referred to juvenile court, a smaller percentage were locked up in detention facilities (66% referred vs. 53% detained). Of African American youth referred to juvenile court, a larger percentage were locked up in detention facilities (31% vs. 44%). Youth of other races had the same percentage of referred and detained cases (3%).

This pattern of disproportion was across all offense categories but was most dramatic among drug offense cases (Figures 1a & 1b). Cases involving White youth were 66% of those referred but only 44% of those detained. In contrast, drug offense cases involving African American youth were 32% of those referred but 55% of those detained. In every offense category, a substantially greater percentage of African American youth were detained than White youth.

African American youth are more likely than White youth to be detained pretrial, even when charged with the same offense.

Figure 1a: Racial Proportions of Referred and Detained Delinquency Cases, 1997



Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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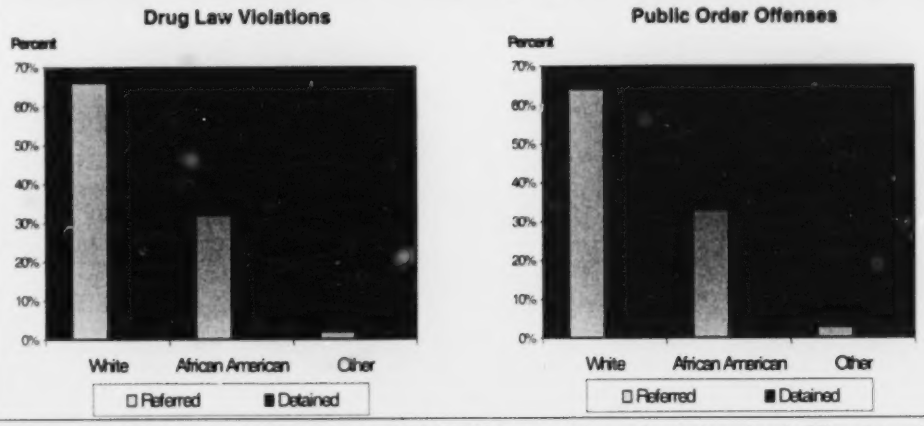
Figure 1b: Racial Proportions of Referred and Detained Delinquency Cases, 1997



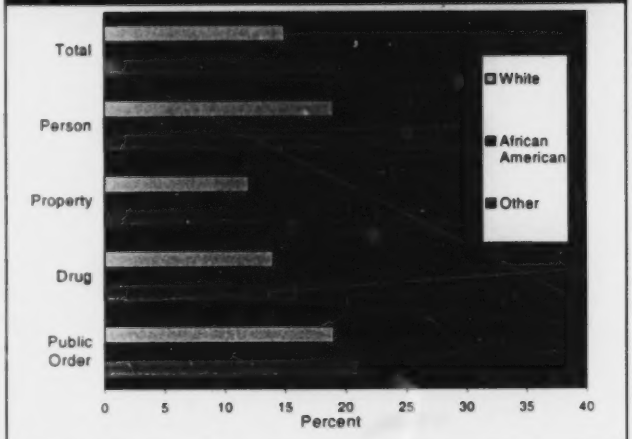
Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

Overall, detention was used more often for African American youth (27%) and youth of other races (19%) than for White youth (15%) (Figure 2). This was true among each of the four major offense categories as well. Thus, for youth charged with comparable offenses—whether person, property, drug, or public order offenses—minority youth, especially African American youth, were locked up in detention more often than White youth. Consequently, cases involving African American youth were more than twice as likely to be detained for a drug offense than were cases involving White youth or youth of other races (38%, 14%, and 16%, respectively). More than one in four (28%) person offense cases involving African American youth and youth of other races were detained compared to less than one in five (19%) White youth.

C. Formal Processing (Petitioning)

An estimated 996,000 delinquency cases or 57% of all referrals were formally processed or petitioned in 1997. Overall, there was little difference between the race proportions of referrals to court and the race proportions of formally

Figure 2: Percent of Delinquency Cases Involving Detention by Race, 1997



Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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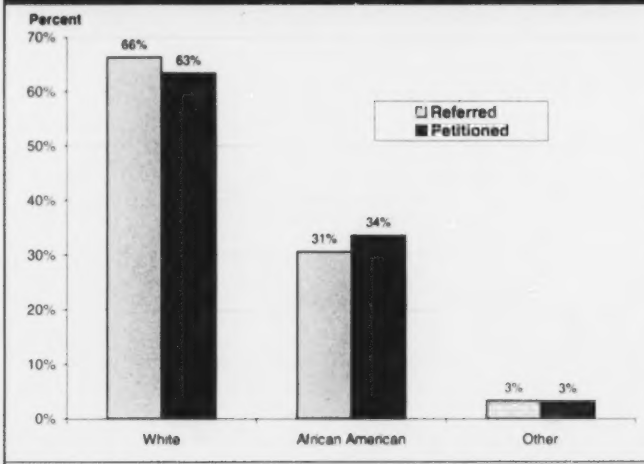
African American youth were more likely than White youth to be formally charged in juvenile court, even when referred for the same offense.

Figure 3: Racial Proportions of Petitioned and Referred Cases, 1997



Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

processed cases (Figure 3). The differences that did exist demonstrated a disparate disadvantage to African American youth. For example, cases involving White youth were 66% of referrals and 63% of petitioned cases while cases involving African American youth were 31% of referrals and 34% of petitioned cases. Youth of other races represented about the same proportion of the referred and petitioned population (3%).

The largest difference between the racial proportions of referred and petitioned cases was among drug offense cases (Table 4). White youth were a smaller proportion of petitioned than referred drug offense cases (59% vs. 66%) while African American youth were a larger proportion of petitioned than referred drug offense cases (39% vs. 32%).

Overall, delinquency cases were petitioned more often among cases involving African American youth (62%) than White youth (54%) or youth of other races (55%) in 1997 (Figure 4). This was true for each of the four offense categories. The most striking difference was among drug offense cases. In 1997, about three in four (78%) drug offense cases involving African American youth were formally processed compared to about one-half of cases involving White youth (56%) and youth of other races (55%). Formal processing of person offense cases was more likely among cases involving African American youth (64%) and youth of other races (63%) than cases involving White youth (55%).

Table 4: Referred and Petitioned Delinquency Cases, 1997

	Percent of	
	Referred Cases	**Petitioned Cases**
Person		
White	60	57
African American	37	40
Other	3	3
Total	100%	100%
Property		
White	70	68
African American	26	29
Other	4	4
Total	100%	100%
Drug		
White	66	59
African American	32	39
Other	2	2
Total	100%	100%
Public Order		
White	64	64
African American	33	33
Other	3	3
Total	100%	100%

Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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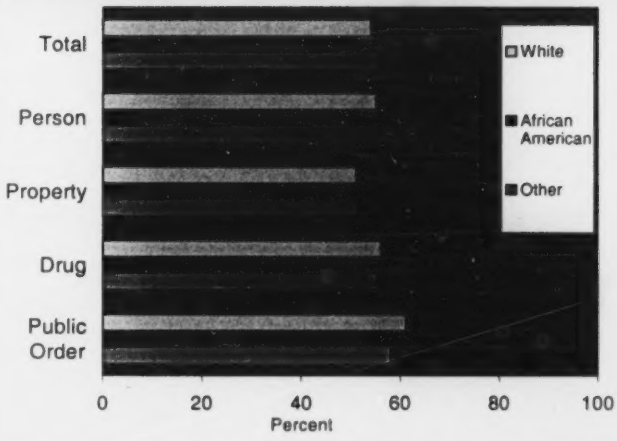
Among all offense types, African American youth were overrepresented and White youth were underrepresented in cases judicially waived to adult court.

Figure 4: Percent of Delinquency Cases Petitioned by Race, 1997



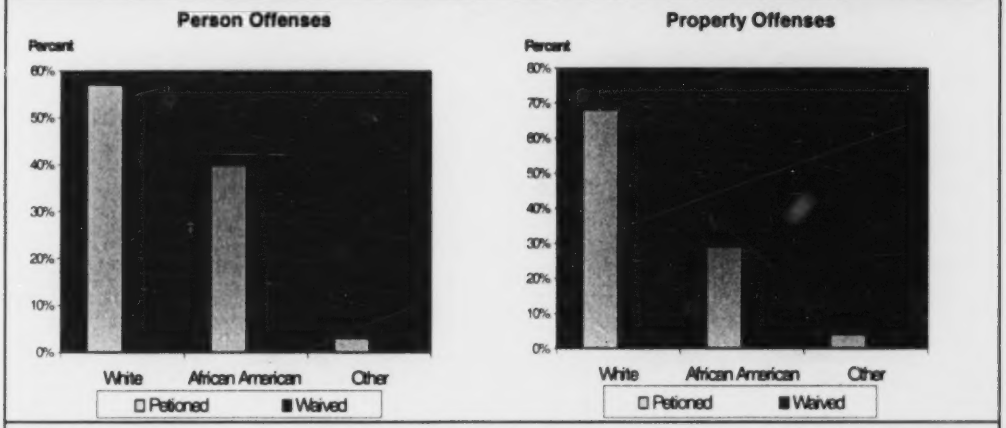
Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

D. Waiver

An estimated 8,400 petitioned delinquency cases were judicially waived from juvenile to adult court in 1997. This represents about 1% of all petitioned cases. Overall, cases involving White youth represented a smaller proportion of waived cases than of petitioned cases (50% vs. 63%). In contrast, cases involving African American youth represented a larger proportion of waived cases than petitioned cases (46% vs. 34%). Youth of other races were about the same proportion of waived and petitioned cases (4% vs. 3%) in 1997.

This was the pattern among all offense types as well. The differences are particularly striking for person offenses and drug charges. For offenses against persons, White youth were 57% of the cases petitioned but only 45% of cases waived to adult court (Figures 5a & 5b). African American youth charged with similar offenses were 40% of cases petitioned but rose to 50% of cases waived to adult court. Similarly, in drug cases, White youth were 59% of cases

Figure 5a: Racial Proportions of Petitioned and Waived Delinquency Cases, 1997



Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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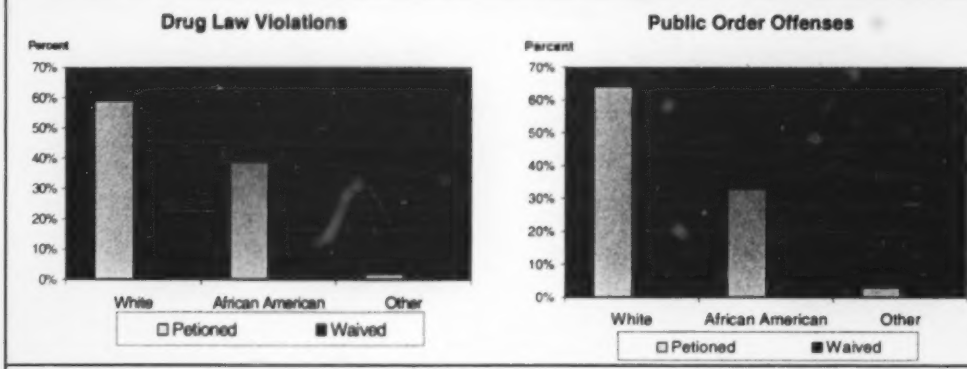
Minority youth were much more likely than White youth to be waived to criminal court. This was true in every offense category.

Figure 5b: Racial Proportions of Petitioned and Waived Delinquency Cases, 1997



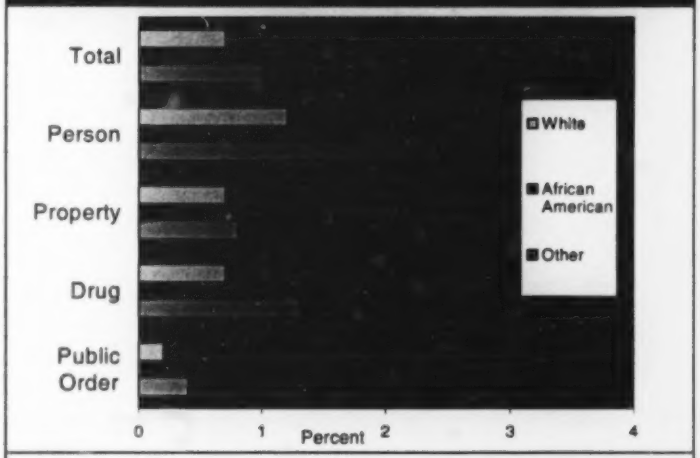
Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

petitioned but only 35% of cases waived to adult court. African American youth charged with similar offenses were 39% of cases petitioned but rose to 63% of cases waived to adult court. Thus, in drug cases, White youth enjoy a 24% "waiver advantage" while African American youth carry a 24% "waiver disadvantage".

An estimated total of 200,000 youth are prosecuted as adults each year[7]. The great majority of these prosecutions result from legislative provisions that exclude youth charged with certain offenses from juvenile court jurisdiction and from decisions to "direct file" charges against youth in criminal court. No national data are currently available on these cases.

The likelihood of waiver among petitioned delinquency cases was greater for African American youth (1.2%) and youth of other races (1.0%) than for White youth (.7%) (Figure 6). Minority youth were much more likely than White youth to be waived to criminal court even when charged with a similar offense. This was true for every offense category. Again, the

Figure 6: Percent of Delinquency Cases Waived to Criminal Court by Race, 1997



Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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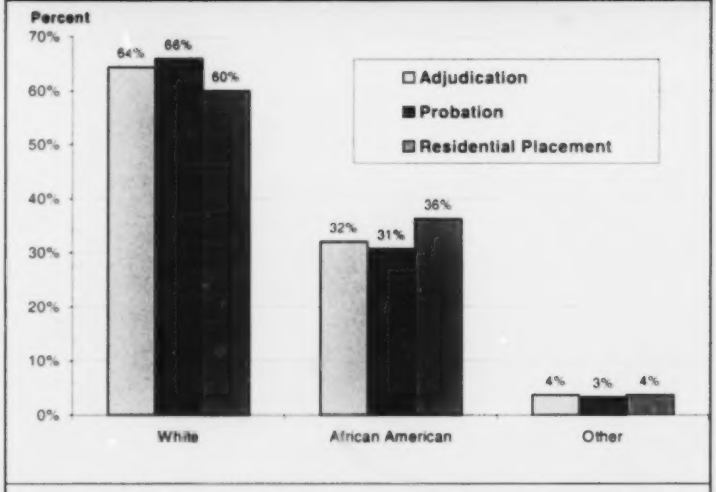
African American youth were overrepresented among cases receiving a disposition of out-of-home placement (e.g., commitment to a locked institution). This was true in all offense categories and was most pronounced among drug offense cases.

Figure 7: Racial Proportions of Adjudicated Cases Resulting in Residential Placement and Probation, 1997



Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

differences are particularly striking for person and drug offenses. In 1997, 1.2% of the White youth charged with person offenses were waived to adult court, while 1.8% of the African American youth were waived, and 2.4% of other minorities were waived. Similarly, .7% of White youth charged with drug offenses was waived to adult court, while 1.8% of African American and 1.3% of other minority youth were waived.

E. Disposition

Over one in four (28%), or an estimated 163,200 adjudicated cases, received a disposition of out-of-home placement in 1997. More than one-half (55%) of adjudicated cases resulted in a court disposition of probation. With respect to the White proportion of adjudicated cases, White youth were underrepresented among cases receiving out-of-home placement (64% vs. 60%) and overrepresented among cases receiving probation (64% vs. 66%) (Figure 7).

The opposite was true among cases involving African American youth. Cases involving these youth were overrepresented among cases receiving out-of-home placement (32% vs. 36%) and somewhat underrepresented among cases receiving probation (32% vs. 31%). Youth of other races represented about the same proportion of adjudicated cases placed out-of-home (4%), placed on probation (3%).

These trends were true in all offense categories and were especially notable among drug offenses (Table 5). In 1997, 59% of adjudicated drug offense cases involved a White youth, while

Table 5: Adjudicated Cases Resulting in Residential Placement and Probation, 1997

	Percent of cases		
	Adjudicated Delinquent	Placed on probation	Residential Placement
Person			
White	58%	59%	56%
African American	39	37	41
Other	4	3	4
Total	100%	100%	100%
Property			
White	69%	70%	65%
African American	27	26	31
Other	4	4	4
Total	100%	100%	100%
Drug			
White	59%	64%	45%
African American	39	34	53
Other	2	2	2
Total	100%	100%	100%
Public Order			
White	64%	64%	62%
African American	33	33	35
Other	3	3	3
Total	100%	100%	100%

Note: Details may not add to totals due to rounding.

Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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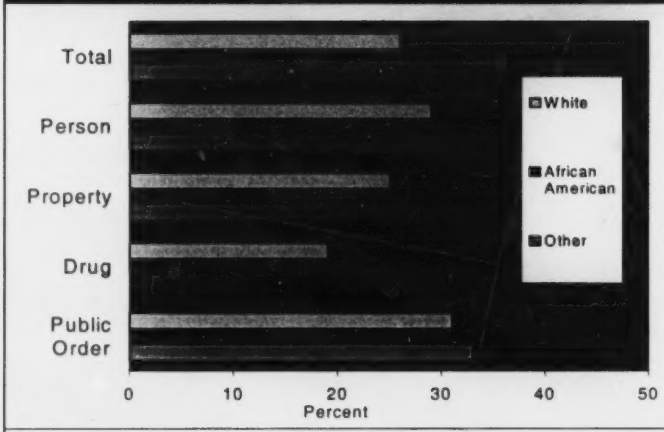
Among youth charged with similar crimes, in every offense category, overrepresented minority youth were more likely to be placed out of the home.

Figure 8: Percent of Adjudicated Delinquency Cases Placed Out of the Home by Race, 1997



Note: There were too few drug offense cases involving youth of other races to obtain a reliable percentage.

Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

White youth were 45% of drug offense cases resulting in out-of-home placement and 64% of cases resulting in formal probation. In contrast, 39% of drug offense cases involved an African American youth while African American youth were 53% of adjudicated drug offense cases resulting in out-of-home placement and 34% of drug offense cases receiving formal probation.

Adjudicated cases involving White youth were less likely to result in out-of-the-home placement in 1997 (26%) than were cases involving African American youth (32%) or youth of other races (29%) (Figure 8). Thus, among youth charged with similar crimes, in every offense category, minority youth were more likely to be placed out-of-home.

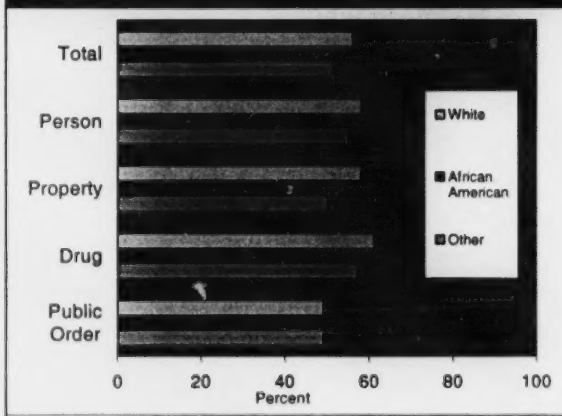
Adjudicated delinquency cases involving White juveniles (56%) were generally more likely to result in formal probation than were cases involving either African American youth (53%) or youth of other races (51%) in 1997 (Figure 9). This was true among all offense categories except public order offenses. The difference in the likelihood of probation was most pronounced among adjudicated drug offense cases. In 1997, 61% of adjudicated drug offense cases involving White youth resulted in probation compared to 49% of cases involving African American youth.

F. The State Perspective

1. Detention

A 1992 amendment to the Juvenile Justice and Delinquency Prevention Act of 1974 required states receiving

Figure 9: Percent of Adjudicated Delinquency Cases Placed on Probation by Race, 1997



Source: *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Office of Juvenile Justice and Delinquency Prevention (1999).

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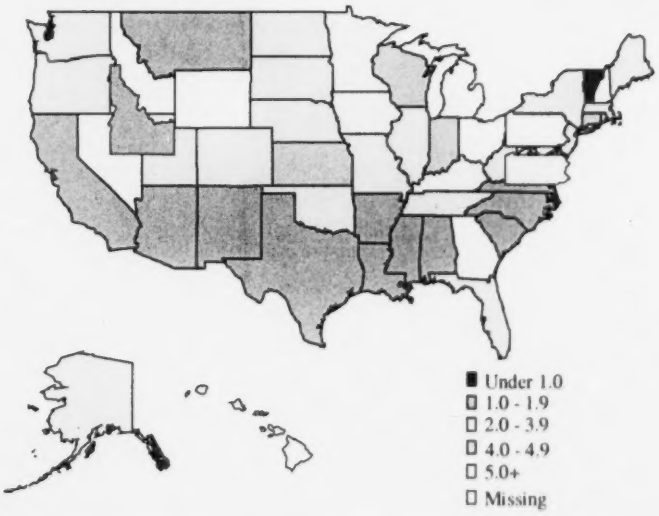
funds under the Juvenile Justice and Delinquency Prevention Act to identify and assess disproportionate minority representation of youth in the juvenile justice system. According to a 1997 report[10] summarizing state data submitted to the OJJDP in compliance with these mandates, the minority proportion of detained youth exceeded their proportion in the general population in all states but one.[11] An index of minority overrepresentation was used to identify overrepresentation by dividing the minority proportion of detained youth by the proportion of minorities in the youth population. A resulting index value of over 1.0 indicates minority overrepresentation. With regard to minority overrepresentation in juvenile detention, the 1997 report showed an average index of 2.8 among 43 of the 44 states reporting detention data (i.e. the proportion of youth in detention who were minorities was 2.8 times or 280% higher than the proportion of minority youth in the general population). A high index of 7.9 was seen in Iowa and low of .7 in Vermont (Figure 10).

Figure 10: Indices of Overrepresentation for Minority Youth in Detention



Note: The indices of minority overrepresentation were calculated by dividing the minority proportion of detained youth by the proportion of minorities in the juvenile population.

- Arizona reported data for Maricopa and Pima Counties only.
- In Illinois, state data were not available for minority juvenile population. System data are provided through the Assessment Report based on sample counties.
- The minority juvenile population in Maine does not exceed 1% of the total juvenile population.
- In Maryland, data are for the African American population only.
- Mississippi data were not available for minority juvenile population. System data are provided through the Assessment Report based on sample counties.
- Data from Missouri are primarily for the African American population.
- The data for Washoe County, Nebraska are provided by each specific minority group.

Source: *Disproportionate Confinement of Minority Juveniles in Secure Facilities: 1996 National Report.* Community Research Associates (1997).

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Eighteen states reported overrepresentation of minorities among youth transferred to criminal court.

Among states reporting data, the index of overrepresentation for detained African American youth ranged from 10.7 in Minnesota to .7 in Vermont (Table 6). For Latino youth in detention, the index of overrepresentation ranged from 4.8 in Connecticut to .9 in California (Table 7).

Table 6: Indices of Overrepresentation for African American Youth in Detention

Alabama	1.3	Delaware	2.3	Massachusetts	5.9	Oregon	4.2
Alaska	1.6	District of Columbia	1.1	Minnesota	10.7	South Carolina	1.7
Arizona[a]	4.0	Florida	1.7	Missouri	3.3	Tennessee	3.7
Arizona[b]	3.2	Illinois	3.1	Nevada[c]	3.3	Texas	2.6
Arkansas	1.3	Indiana	4.1	New Jersey	3.8	Vermont	0.7
California	3.0	Kansas	4.5	New Mexico	1.5	Virginia	1.8
Colorado	4.4	Louisiana	1.6	New York	3.2	Washington	4.0
Connecticut	4.8	Maryland	2.8	North Carolina	1.7	Wisconsin	6.6

Note: The indices of minority overrepresentation were calculated by dividing the African American proportion of detained youth by the proportion of African Americans in the juvenile population.
[a] Maricopa County only.
[b] Pima County only.
[c] Washoe County only.

Source: *Disproportionate Confinement of Minority Juveniles in Secure Facilities: 1996 National Report.* Community Research Associates (1997).

2. *Waiver*

The minority proportion of youth transferred to criminal court was 5 times or more their proportion in the general population in Connecticut, Massachusetts, Pennsylvania, and Rhode Island (Table 8). The overrepresentation ranged from 1.3 in Texas and North Dakota to 5.3 in Rhode Island.

Table 7: Indices of Overrepresentation for Latino Youth in Detention

Arizona[a]	1.5	Connecticut	4.8	Nevada[c]	1.4	Oregon	1.3
Arizona[b]	1.0	Florida	.7	New Jersey	1.5	Texas	1.0
California	0.9	Illinois	.1	New Mexico	1.2	Washington	1.1
Colorado	1.9	Massachusetts	2.1	New York	1.6		

Note: The indices of minority overrepresentation were calculated by dividing the Latino proportion of detained youth by the proportion of Latinos in the juvenile population.
[a] Maricopa County only.
[b] Pima County only.
[c] Washoe County only.

Source: *Disproportionate Confinement of Minority Juveniles in Secure Facilities: 1996 National Report.* Community Research Associates (1997).

Table 8: Indices of Overrepresentation for Minority Youth Transferred to Criminal Court

Alabama	1.4	District of Columbia	1.0	Montana	4.3	South Carolina	1.9
Alaska	1.4	Florida	2.5	New Jersey	3.0	Tennessee	4.1
Arizona[a]	1.8	Maryland[b]	3.3	North Dakota	1.3	Texas	1.3
Arkansas	2.3	Massachusetts	5.0	Pennsylvania	5.2		
Connecticut	5.2	Mississippi[c]	1.8	Rhode Island	5.3		

Note: The indices of minority overrepresentation were calculated by dividing the minority proportion of transferred youth by the proportion of minorities in the juvenile population.
[a] Data for Maricopa and Pima Counties only.
[b] Data are for the African American population only.
[c] State data were not available for minority juvenile population. System data are provided through the Assessment Report based on sample counties.

Source: *Disproportionate Confinement of Minority Juveniles in Secure Facilities: 1996 National Report.* Community Research Associates (1997).

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Minority youth represented almost two-thirds (63%) of detained and committed youth in 1997 although they represent about one-third (34%) of the total adolescent population in the country during that year.

V. JUVENILE CORRECTIONS

A. The National Perspective

A 1999 study from OJJDP[12] reported that on October 29, 1997 there were 105,790 youth in juvenile detention facilities prior to adjudication or committed to state juvenile correctional facilities following adjudication. Minority youth represented almost two-thirds (63%) of detained or committed youth although they represent only about one-third (34%) of the total adolescent population in the country (Table 9).

Table 9: Percent of Juveniles in Population and in Residential Placement, 1997

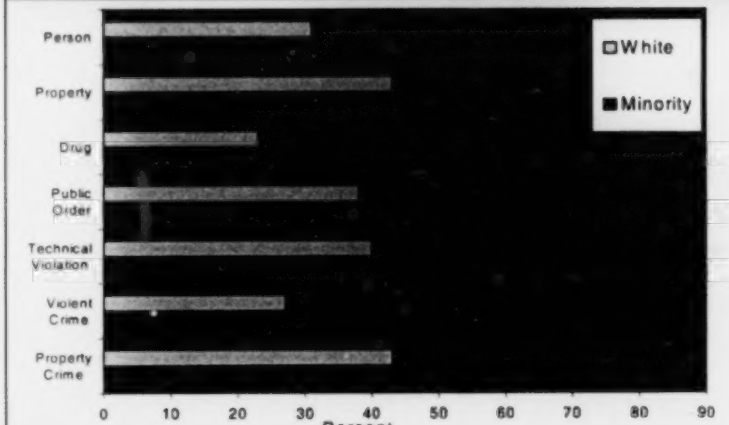
Race/Ethnicity	In Population in 1997	Residential Placement October 29, 1997
Total	100%	100%
White	66	37
Minority	34	63
African American	15	40
Latino	15	18
Native American	1	2
Asian	4	2

Note: Details may not add to totals due to rounding.

Source: Adapted from *Juvenile Offenders and Victims: 1999 National Report*. Office of Juvenile Justice and Delinquency Prevention (1999).

Minority youth were overrepresented in residential placement for all offense types. In fact, minority youth were at least one-half of all youth in residential placement among each of the major offense categories (Figure 11a). Further, with the exception of status offenses, African American youth were almost 1/3 or more of all youth in residential placement among each of the major offense categories (Table 10).

Figure 11a: White and Minority Proportion of Juveniles in Residential Placement on October 29, 1997



Note: Details may not add to totals due to rounding.

Violent Crime includes criminal homicide, sexual assault, robbery, and aggravated assault.

Property Crime includes burglary, theft, auto theft, and arson.

Source: *Juvenile Offenders and Victims: 1999 National Report*. Office of Juvenile Justice and Delinquency Prevention (1999).

Public juvenile facilities are typically locked local detention facilities or locked state correctional institutions. Private juvenile facilities are often less restrictive and less prison-like. Minorities represented a greater proportion of youth in public (66%) than private (54%) facilities, and the minority proportion of youth in public facilities was almost twice the White proportion (66% vs. 34%). Among Latinos, the proportion of detained and committed youth in public facilities was almost double the proportion in private facilities (21% vs. 11%) (Figure 11b).

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Minorities comprise the majority of youth held in both public and private facilities; however, minority youth—especially Latino youth—are a larger proportion in public than private facilities.

Table 10: Racial Proportions of Juveniles in Residential Placement on October 29, 1997 by Offense Type

Most Serious Offense	Total	White	African American	Latino	Native American	Asian
Total juveniles In residential placement	100%	37%	40%	18%	2%	2%
Person	100%	31	43	21	1	3
Property	100%	43	35	17	2	2
Drug	100%	23	56	19	1	1
Public Order	100%	38	38	20	2	2
Technical Violation	100%	40	37	19	2	1
Violent Crime Index*	100%	27	45	23	1	3
Property Crime Index**	100%	43	35	17	2	2
Status Offense	100%	59	30	7	2	1

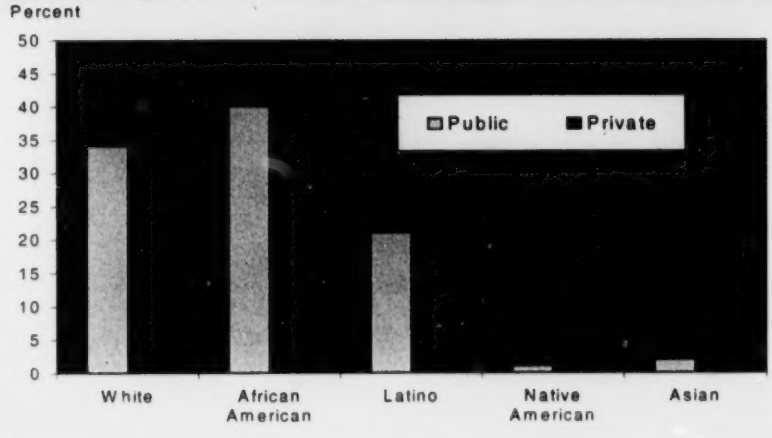
Note: Details may not add to totals due to rounding. Race proportions do not include persons of Hispanic ethnicity.

* Includes criminal homicide, sexual assault, robbery, and aggravated assault.

** Includes burglary, theft, auto theft, and arson.

Source: Adapted from *Juvenile Offenders and Victims: 1999 National Report.* Office of Juvenile Justice and Delinquency Prevention (1999).

Figure 11b: Racial Proportions of Juveniles in Public and Private Residential Placement on October 29, 1997



Source: *Juvenile Offenders and Victims: 1999 National Report.* Office of Juvenile Justice and Delinquency Prevention (1999).

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Minority youth were confined behind locked doors twice as often as White youth—African American youth represent the largest racial-ethnic proportion of youth held behind locked doors.

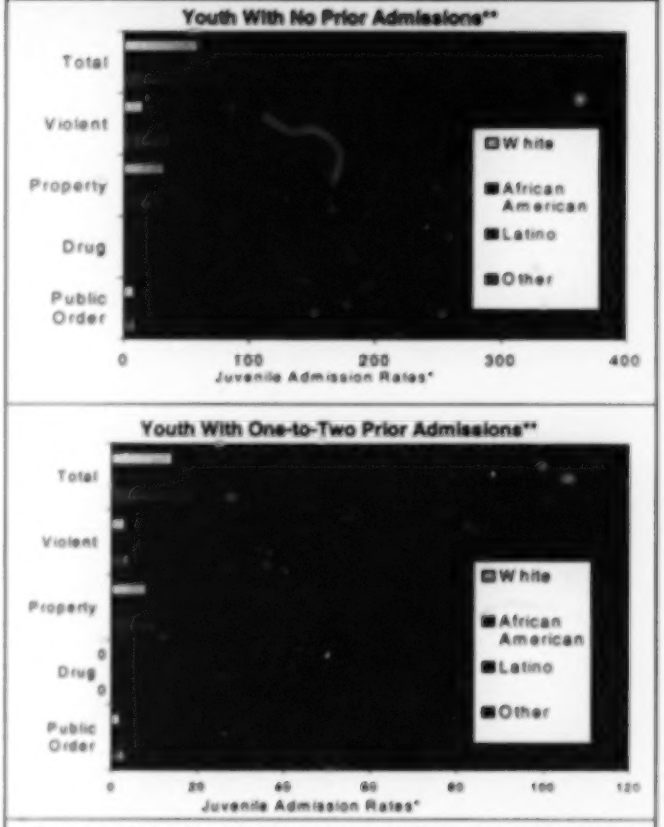
Table 11: Percent of Youth in Residential Placement on October 29, 1997

Race/Ethnicity	Percent of Juveniles	
	Locked	Staff-Secured
Total	100%	100%
White	34	46
Minority	66	54
African American	42	34
Latino	20	15
Native American	1	2
Asian	2	2

Note: Details may not add to totals due to rounding.

Source: Adapted from *Juvenile Offenders and Victims: 1999 National Report.* Office of Juvenile Justice and Delinquency Prevention (1999).

Figure 12: 1993 Admissions Rates* of Juveniles to State Public Facilities



* Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Totals contain offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender.* National Council on Crime and Delinquency (1993).

While most youth confined by both locked and staff-secured arrangements were minorities, the minority proportion of youth confined by locked doors exceeded the proportion staff secured (66% vs. 54%) (Table 11). In fact, the number of minority youth held behind locked doors was almost twice the number of White youth similarly confined (66% vs. 34%).

Admission rates to state public facilities were much higher for African American youth and Latino youth with no prior admissions than for comparable White youth. This was also true for youth with one-to-two prior admissions, in all offense categories.

Overall, the admissions rate to state public facilities for youth with no prior admissions was six times higher for African American than White youth (373 and 59) and 3 times higher among Latino than White youth (166 and 59) in 1993 (Figure 12). Among youth with one-to-two prior admissions, the overall admissions rate for African American youth exceeded the White rate by a factor of 7 (96 and 14) and the admissions rate for Latino youth was twice the rate of White youth (28 and 14).

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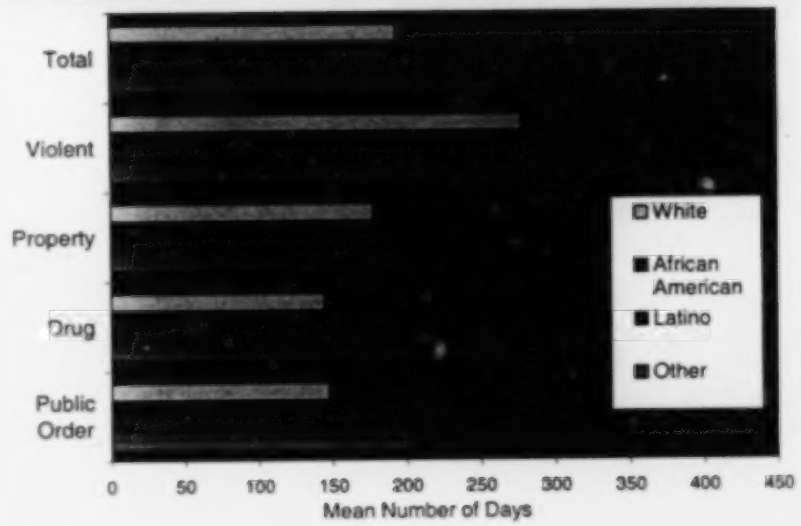
On average, Latino and African American youth were in custody longer than White youth in 1993. This was true in all offense categories.

In 1993, Latino youth were in custody on average 112 days more than White youth. African American youth were in custody on average 61 days more than White youth. While the average lengths of stay in public facilities were higher for minority youth than White youth across all offenses, it was particularly dramatic for drug offenses. On average, the length of stay for Latino youth admitted for a drug offense was double the length of stay of White youth (306 days vs. 144 days) (Figure 13). Similarly, African American youth admitted for a drug offense were held longer than White youth, on average (235 days vs. 144).

Figure 13: 1993 Youth Mean Lengths of Stay in State Public Facilities



* Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender.* National Council on Crime and Delinquency (1993).

In addition, the range in the length of stay above the median was also greater for non-Whites than Whites.[13] For example, among the top 25th percentile of cases involving a violent offense and no prior admissions, the length of stay for Latino youth ranged from 625 to over 1,400 days compared to between 400 and 900 days for White youth. Among the top 25th percentile of cases involving a drug offense and no prior admissions, the length of stay for Latino youth was between 500 and 1,100 days compared to between 200 and 400 days for White youth.

B. The State Perspective

In 1997, although they represented just 34% of the U.S. adolescent population, minority youth represented 62% of youth in detention, 67% of youth committed to public facilities, and 54% of youth committed to private facilities.

According to the 1999 OJJDP report, minorities were overrepresented nationwide as a proportion of youth in residential facilities regardless of placement type. In 1997, although they represented just 34% of the U.S. adolescent population, minority youth represented 62% of youth in detention, 67% of

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Nationwide, among the detained population, minority youth were represented at 1.8 times their rate in the general population, among commitments to public facilities at twice their rate, and among private commitments at 1.6 times their rate.

youth committed to public facilities, and 54% of youth committed to private facilities. An index of minority overrepresentation can be developed by dividing the proportion of minorities in placement by the proportion of minorities in the juvenile population.[14] A resulting index value of over 1.0 indicates minority overrepresentation.

This pattern of overrepresentation is clearly seen among each of the placement types in most states as well (Table 12).

Index values for detained placements of over 5.0 were found in West Virginia and between 3.0 and 5.0 in Connecticut, Iowa, Kentucky, Minnesota,

Table 12: Indices of Overrepresentation of Minority Youth in Custody, 1997

State*	Index Value** Detained	Committed Public	Committed Private
US Total	1.8	2.0	1.6
Alabama	1.7	2.0	1.7
Alaska	1.6	1.3	1.9
Arizona	1.3	1.5	1.0
Arkansas	2.7	2.5	2.2
California	1.2	1.4	1.2
Colorado	1.8	2.0	2.0
Connecticut	3.0	3.2	2.3
Delaware	2.5	2.4	2.5
DC	1.1	1.1	–
Florida	1.6	1.5	1.6
Georgia	1.8	1.8	1.7
Hawaii	–	1.2	–
Idaho	0.3	1.9	0.9
Illinois	2.2	1.9	1.4
Indiana	2.7	2.9	2.2
Iowa	3.9	6.0	3.3
Kansas	2.9	3.1	1.9
Kentucky	3.5	3.6	2.2
Louisiana	1.7	1.8	1.7
Maine	2.3	1.7	–
Maryland	1.8	1.7	1.9
Mass.	2.7	2.9	2.7
Michigan	2.7	2.4	2.5
Minnesota	4.9	3.8	3.5
Mississippi	1.3	1.5	–
Missouri	3.6	2.2	1.9
Montana	–	2.2	1.5
Nebraska	3.1	2.9	3.2
Nevada	1.1	1.4	–
New Hampshire	–	3.0	3.0
New Jersey	2.1	2.4	–
New Mexico	1.3	1.3	–
New York	2.0	2.1	1.2
North Carolina	1.8	2.1	0.8
North Dakota	2.8	–	2.6
Ohio	2.8	2.7	2.1
Oklahoma	2.3	1.9	2.0
Oregon	1.4	1.8	1.8
Pennsylvania	2.8	3.5	3.7
Rhode Island	2.7	3.5	2.1
South Carolina	1.7	1.7	1.5
South Dakota	2.7	2.5	–
Tennessee	2.1	2.2	2.2
Texas	1.5	1.5	1.4
Utah	2.3	2.8	2.8
Vermont	–	–	–
Virginia	2.1	2.0	2.0
Washington	2.0	2.0	2.1
West Virginia	5.2	5.6	5.4
Wisconsin	2.4	4.0	2.6
Wyoming	–	2.3	1.3

* State where the offense occurred.

** % of minority youth in residential placement / % of minority youth in general population. The youth population is the number of youth ages 0-17.

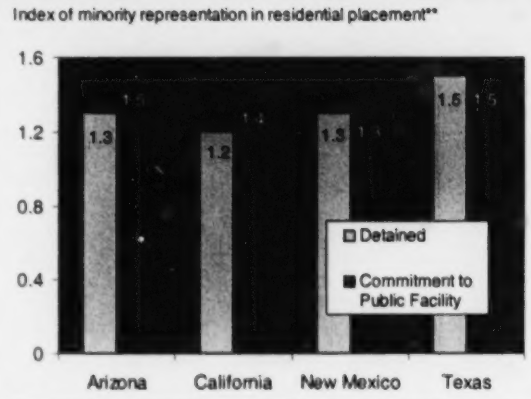
– Too few youth in category to calculate a reliable percentage.

Note: U.S. total includes 3,401 youth in private facilities for whom state of offense was not reported. Minorities include African Americans, Latinos, Native Americans, Asians, and Pacific Islanders.

Source: Adapted from *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. (1999)

Nationally, custody rates for African American youth are 5.0 times as high for White youth. Custody rates for Latino youth and Native American youth are 2.5 times as high as for White youth.

Figure 14: Indices of Overrepresentation of Minority Youth in Custody in Arizona, California, New Mexico and Texas, 1997*



*This is the state where the offense occurred. In 1997, Latino youth represented 29% of youth ages 10-17 in Arizona, 38% in California, 46% in New Mexico, and 35% in Texas.

**% of minority youth in residential placement / % of minority youth in the general population. The youth population is the number of youth ages 10-17.

Note: Minorities includes African Americans, Latinos, Native Americans, Asians, and Pacific Islanders.

Source: Adapted from *Juvenile Offenders and Victims: 1999 National Report*. Office of Juvenile Justice and Delinquency Prevention (1999).

Missouri, and Nebraska. Index values for public commitments of over 5.0 were found in Iowa and West Virginia and values of between 3.0 and 5.0 in Connecticut, Kansas, Kentucky, Minnesota, New Hampshire, Pennsylvania, Rhode Island, and Wisconsin. For private commitments values of over 5.0 were found in West Virginia and between 3.0 and 5.0 in Iowa, Minnesota, Nebraska, New Hampshire, and Pennsylvania.

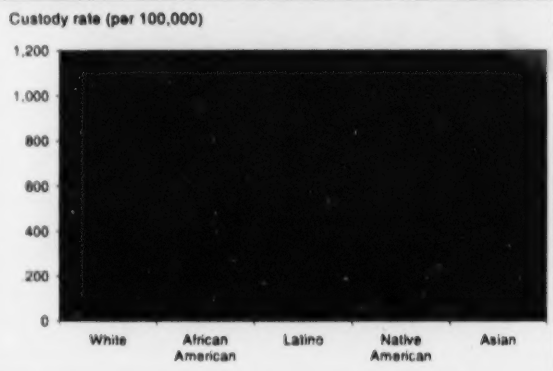
Among states with the highest number of Latino youth in the general population—Arizona, California, New Mexico, and Texas—minority youth were overrepresented in both detained and committed populations (Figure 14). The index values for detained youth in custody ranged from 1.2 to 1.5 while commitments to public facilities ranged from 1.3 to 1.5.

Nationally, 204 White youth were in residential placement on October 29, 1997 for every 100,000 youth in the population compared to 1,018 African American youth, 515 Latino youth, 525 Native American youth, and 203 Asian youth (Figure 15).

The most notable differences between the custody rate of White youth and others are seen in Connecticut and New Jersey where custody rates of African American youth are 14 times the rates of White youth in those states (Table 13). In Minnesota, the custody rate of both African American and Native American youth are 11 times the custody rate of White youth in that state.

According to a 1993 study by the National Council on Crime and

Figure 15: U.S. Residential Custody Rates by Race, 1997



Note: The custody rate is the number of youth in residential placement per 100,000 youth ages 10 through upper age of original juvenile court jurisdiction in each state. U.S. total includes 3,401 youth in private facilities for whom state of offense was not reported. Race rates do not include persons of Hispanic ethnicity.

Source: Adapted from *Juvenile Offenders and Victims: 1999 National Report*. Office of Juvenile Justice and Delinquency Prevention (1999).

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Table 13: Residential Custody Rates by Race and State, 1997

State*	Custody rate (per 100,000) White	African Amer.	Latino	Native American	Asian	State*	Custody rate (per 100,000) White	African Amer.	Latino	Native American	Asian
US Total	204	1,018	515	525	203	Missouri	168	741	241	43	69
Alabama	202	650	285	130	96	Montana	221	–	768	524	–
Alaska	289	1,055	372	734	352	Nebraska	234	1,754	716	1,417	177
Arizona	244	975	515	214	74	Nevada	382	942	448	1,250	297
Arkansas	106	566	111	0	45	New Hampshire	143	–	479	0	266
California	299	1,819	654	548	268	New Jersey	71	1,007	405	246	18
Colorado	238	1,397	705	617	206	New Mexico	169	905	498	220	251
Connecticut	160	2,225	1,276	–	90	New York	152	886	394	603	53
Delaware	132	1,195	582	0	0	North Carolina	108	435	32	140	97
DC	0	855	204	0	0	North Dakota	261	–	391	1,203	0
Florida	243	980	203	108	109	Ohio	205	1,105	404	315	83
Georgia	240	952	129	61	121	Oklahoma	123	688	214	282	59
Hawaii	65	212	74	–	120	Oregon	326	1,505	681	1,046	267
Idaho	139	–	160	330	236	Pennsylvania	137	1,348	929	–	148
Illinois	127	943	240	459	39	Rhode Island	220	1,799	1,287	–	592
Indiana	268	1,168	521	58	53	South Carolina	238	753	0	0	30
Iowa	239	2,250	736	1,700	243	South Dakota	356	–	2,401	1,204	–
Kansas	249	1,767	596	604	475	Tennessee	226	843	415	209	133
Kentucky	174	967	78	–	100	Texas	155	853	383	203	94
Louisiana	231	1,140	157	119	300	Utah	188	1,400	713	693	561
Maine	210	–	198	–	265	Vermont	66	–	–	0	0
Maryland	123	592	263	115	46	Virginia	204	997	355	230	174
Mass.	96	804	582	79	224	Washington	246	1,592	520	787	201
Michigan	205	1,171	406	293	305	West Virginia	156	1,230	511	–	–
Minnesota	155	1,676	515	1,690	417	Wisconsin	206	1,756	801	448	668
Mississippi	129	319	336	60	283	Wyoming	454	–	846	1,243	–

* State where the offense occurred.

–Too few youth in category to calculate a reliable percentage.

Note: The custody rate is the number of youth in residential placement per 100,000 youth ages 10 through upper age of original juvenile court jurisdiction in each state. U.S. total includes 3,401 juveniles in private facilities for whom state of offense was not reported. Race rates do not include persons of Hispanic ethnicity.

Source: *Juvenile Offenders and Victims: 1999 National Report*. Office of Juvenile Justice and Delinquency Prevention (1999).

Delinquency, in states for which data was available, African American youth were almost always more likely than White or Latino youth to be taken into state juvenile corrections custody by age 18 (Table 14). Similarly, Latino youth were generally more likely than White youth to be taken into state custody by age 18. Among reporting states, prevalence rates, or the likelihood of commitment[15], were estimated to be highest for African American youth in Utah (8.32 or 1 in 12), Wisconsin (7.66 or 1 in 13), and Ohio (6.53 or 1 in 15).

VI. YOUTH IN ADULT CORRECTIONS

Recent legislative changes have enabled prosecutors and juvenile court judges to send more youth into the criminal justice system or to automatically

In four of 14 states, African American youth were estimated to be at least 10 times more likely to be commtited to a state public facility by age 18 than White youth; in 11 of 14 states, they were at least 5 times more likely.

Table 14: Likelihood of Commitment to State Public Facilities by Age 18

State	All	White	African American	Latino	Other
Ohio	1.55	0.83	6.53	1.20	0.26
Virginia	1.20	0.57	3.51	0.38	0.35
Missouri	1.08	0.74	3.32	na	0.39
Tennessee	1.07	0.70	2.60	na	0.24
Wisconsin	1.07	0.46	7.66	2.78	2.86
Louisiana	0.87	0.25	1.91	0.00	0.20
North Dakota	0.85	0.64	2.13	4.10	3.44
Texas	0.85	0.72	2.52	0.93	0.03
Utah	0.79	0.73	8.32	2.40	1.03
Iowa	0.73	0.62	4.54	1.85	1.17
Illinois	0.67	0.37	2.04	0.81	0.06
California	0.69	0.69	2.66	0.88	0.18
New Jersey	0.69	0.23	2.98	0.86	0.12
New York	0.69	0.35	2.20	1.18	0.11
New Hampshire	0.65	0.62	4.91	2.41	0.44
Massachusetts	0.56	0.28	2.73	1.68	1.95

Note: Latino is considered an ethnic category. Thus, Latino youth are also counted in the White and African American race groups in this analysis. The other race category is a composite of youth identified as Native American, Asian American, other, or unknown racial background.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender.* National Council on Crime and Delinquency (1993).

A. The National Perspective

Three out of four youth admitted to state prisons in 1997 were minorities.

An estimated 7,400 youth under the age of 18 were admitted to the nation's state prisons in 1997. The majority (75%) of these new commitments were minority youth—58% of these youth were African American, 15% were Latino, and 2% were youth of other races (Table 15). Between 1985 and 1990, the African American proportion of admissions grew from 53% to 61% while the White proportion declined from 32% to 21%.

Between 1985 and 1997 violent crimes grew from 34% to 54% of all admissions involving a White male while remaining relatively stable among African American males (Table 16). In contrast, drug offenses accounted for 15% of admissions involving an African American male in 1997, up from 2% in 1985. This proportion

exclude certain youth charged with certain offenses from the jurisdiction of the juvenile court. As a result, a growing number of youth are being sentenced to adult corrections such as state and federal prisons and county jails. In fact, the number of youth admitted to state prisons more than doubled between 1985 and 1997.[16] While the "sight and sound separation" provisions of the Juvenile Justice and Delinquency Prevention Act prohibit youth under juvenile court jurisdiction from being within "sight or sound" of adult inmates, it does not cover youth under the jurisdiction of adult criminal court. Therefore, youth prosecuted as adults can be incarcerated with adult inmates in jails and prisons.

Table 15: Racial Profile of State Prisoners Under Age 18, 1997

	Admitted to Prison		
	1985	1990	1997
Total	**100%**	**100%**	**100%**
White	32	21	25
African American	53	61	58
Latino	14	15	15
Other	1	1	2

Source: Adapted from *Profile of State Prisoners under Age 18, 1985-97*, Bureau of Justice Statistics, 2000.

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In 1996, in nearly all states reporting, a disproportionate number of minorities were in adult prisons.

Table 16: Offense Profile of Male Prisoners Under Age 18, 1997

	White		Black	
	1985	1997	1985	1997
Total	**100%**	**100%**	**100%**	**100%**
Violent	34	54	62	63
Property	59	36	32	16
Drug	2	5	2	15
PO	4	5	4	5

Note: Proportions are based on estimated data. Data were not disaggregated by Hispanic origin. Includes only those with a sentence of more than one year.

Source: Adapted from *Profile of State Prisoners under Age 18, 1985-97*, Bureau of Justice Statistics, 2000

changed little among White males. The proportion of admissions involving a property offense declined between 1985 and 1997 for both racial groups.

B. The State Perspective

Overrepresentation of minority youth and underrepresentation of White youth were reported by nearly every state reporting data on admissions to adult prisons in 1996 (Table 17). While African American youth were generally overrepresented in all states, overrepresentation of Latino youth was most notable in New Hampshire and Utah and overrepresentation of Native American youth was most notable in Nebraska, Minnesota, and North Dakota.

Table 17: New Prison Commitments, 1996

State	White	African American	Latino	American Indian	Asian	Total
Alabama	24%	76%	0%	0%	0%	100%
Population	65	32	1	0	1	100
Arkansas	41%	59%	0%	0%	0%	100%
Population	75	21	2	1	1	100
California	11%	38%	50%	1%	0%	100%
Youth Authority	9	29	49	1	10	100
Population	42	7	40	1	11	100
Colorado	25%	26%	46%	2%	1%	100%
Population	73	5	19	1	2	100
Florida	27%	62%	11%	0%	0%	100%
Population	61	21	16	0	2	100
Georgia	17%	83%	0%	0%	0%	100%
Population	61	34	3	0	2	100
Illinois	24%	63%	12%	0%	0%	100%
Population	65	19	13	0	3	100
Minnesota	48%	37%	4%	11%	0%	100%
Population	88	4	2	2	4	100
Mississippi	20%	79%	0%	0%	0%	100%
Population	53	45	1	0	1	100
Missouri	48%	51%	0%	1%	0%	100%
Population	82	14	2	0	1	100

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Table 17: New Prison Commitments, 1996 (cont.)

State	White	African American	Latino	Native American	Asian	Total
Nebraska	33%	27%	23%	17%	0%	100%
Population	87	5	6	1	1	100
Nevada	31%	28%	33%	6%	2%	100%
Population	66	8	20	2	4	100
New Hampshire	83%	0%	17%	0%	0%	100%
Population	96	1	2	0	1	100
New Jersey	10%	65%	22%	0%	2%	100%
Population	64	16	15	0	5	100
New York	12%	61%	26%	0%	1%	100%
Population	59	17	18	0	5	100
North Carolina	22%	74%	1%	3%	0%	100%
Population	67	27	3	2	1	100
North Dakota	40%	0%	20%	40%	0%	100%
Population	89	1	1	8	1	100
Oklahoma	33%	33%	7%	27%	0%	100%
Population	74	10	5	10	1	100
Oregon	64%	12%	16%	1%	6	100%
Population	84	2	9	2	3	100
South Carolina	20%	78%	2%	0%	0%	100%
Population	60	37	1	0	1	100
South Dakota	45%	9%	0%	45%	0%	100%
Population	84	1	1	13	1	100
Utah	23%	9%	50%	9%	9%	100%
Population	88	1	7	2	2	100
Virginia	21%	77%	0%	0%	1%	100%
Population	69	23	4	0	4	100
Washington	48%	22%	19%	2%	8%	100%
Population	79	4	9	2	6	100
Wisconsin	31%	56%	7%	5%	1%	100%
Population	85	8	4	1	2	100

Note: This table reflects the racial proportions of youth in adult prisons when race/ethnicity is known. This information was known for 100% of cases in Alabama, Arkansas, Colorado, Georgia, Illinois, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Virginia, and the California Youth Authority. Data was missing for admissions in New York (1%), South Carolina (1%), Washington (1%), and Wisconsin (1%), Florida (3%), Nebraska (4%), North Carolina (6%), Minnesota (12%), and California (19%). Too few admissions contained this information to calculate reliable proportions in Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Ohio, Pennsylvania, and Tennessee.

Note: Details may not add to totals due to rounding.

Source: National Corrections Reporting Program, 1996. Bureau of Justice Statistics.

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VII. CONCLUSION

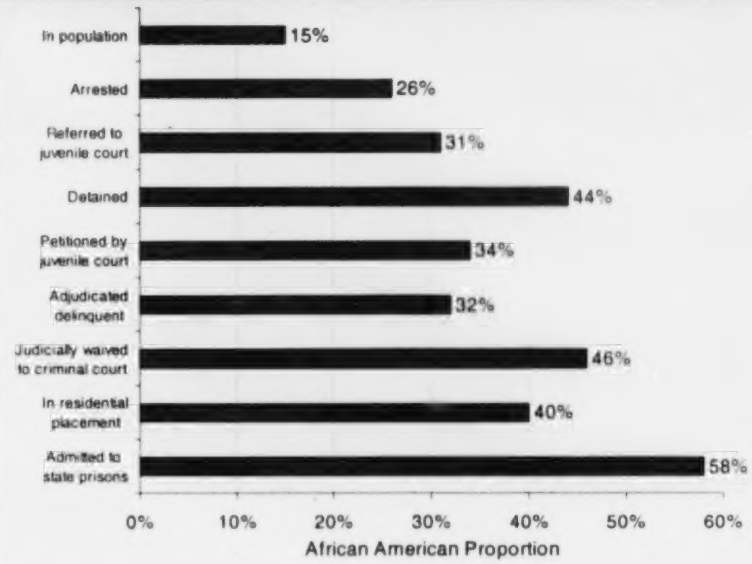
Historically, the most punitive and restrictive sanction facing youth charged with a criminal offense involved court-ordered placement in a residential facility—particularly public training schools. The recent past, however, has revealed growing sentiment away from the early juvenile court's original goals of diversion and treatment towards punishment, accountability and public safety. In addition, state legislatures are increasingly moving away from case-specific decisions to transfer juveniles to criminal court in favor of transfer decisions based on the offender's age or offense seriousness.

As the blurring of the line between juvenile and criminal court increases, so does the likelihood that these trends will disproportionately effect minority youth. Already, African American juveniles are overrepresented with respect to their proportion in the population at every decision point in the process (Figure 16). African Americans were :

- 15% of youth under age 18.
- 26% of juvenile arrests.
- 31% of referrals to juvenile court.
- 44% of the detained population.
- 34% of youth formally processed by the juvenile court.
- 32% of youth adjudicated delinquent.
- 46% of youth judicially waived to criminal court.
- 40% of youth in residential placement.
- 58% of youth admitted to state adult prison.

Unfortunately, the cumulative disadvantage of minority youth will continue to spiral as states continue to pass more punitive laws allowing youth to be charged as adults and, therefore, subject to adult sanctions such as prison and the death penalty. Thus, as legislative trends push beyond the boundary of juvenile justice, the continued amplification of minority youth in the system—as well as the consequences resulting from such a

Figure 16: African American Proportion of Youth



Note: Reflects 1998 population, 1998 arrests, 1997 information on referrals, detentions, petitions, adjudications, waivers; 1997 residential placements; 1997 state prison admissions.

Sources: U.S. Bureau of the Census' *Population Estimates for States by Age, Sex, Race, and Hispanic Origin: 1980-1998*; OJJDP's *Juvenile Arrests, 1998*; OJJDP's *Easy Access to Juvenile Court Statistics: 1988-1997*; OJJDP's *Juvenile Offenders and Victims: 1999 National Report* and BJS's *Profile of State Prisoners Under Age 18, 1985-97*.

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system—will continue as well, unless significant action is taken at the federal, state and local levels.

While "Equal Justice Under Law" is the foundation of our legal system, and is carved on the front of the U.S. Supreme Court, the juvenile justice system is anything but equal. However throughout the system, minority youth—especially African American youth—receive different and harsher treatment. This is true even when White youth and minority youth are charged with similar offenses. This report documents a juvenile justice system that is "separate but unequal."

It is time for a nationwide effort to identify the causes of this differential treatment of minority youth and a concerted campaign to provide a fair and equal justice system for our youth.

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